

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAJENDRA BADGAIYAN, M.D.,
Plaintiff,

v.

ANTHONY J. PRINCIPI, Secretary,
Department of Veteran's Affairs, et als,
Defendants.

Civil Action No.
04-12031 PBS

FILED
CLERKS OFFICE
2005 FEB 22 P 3:04
U.S. DISTRICT COURT
DISTRICT OF MASS

DEFENDANTS' ASSENTED MOTION TO EXTEND TIME TO FILE
A RESPONSIVE PLEADING

Defendant, President and Fellows of Harvard University, and ("Defendant" or "Harvard") respectfully requests that this Court extend the time for filing a responsive pleading in the above-referenced matter for 45 days, until April 14, 2005, to allow the Court, Justice Lasker an opportunity to hear and decide a Motion for Summary Judgment in the case of Moira Locke v. Harvard University, *et als*, No 03-11573-MEL ("Locke"), which is scheduled for hearing on March 7, 2005. There are potentially dispositive factual questions for the Defendant, President and Fellows of Harvard College ("Harvard"), which are essentially identical in both the present case and in Locke: whether Harvard was an employer of the both Locke's and Badgaiyan's supervisor Grace Musrush ("Mushrush"). The United States has asserted that Mushrush was acting in the scope of her employment for the United States.

Harvard contends that it is in the interests of the parties, and judicial economy that its responsive pleading be filed following the Locke Court's ruling. Accordingly,

Defendant requests the time for filing a responsive pleading in this matter be extended for 45 days, until April 14, 2005.

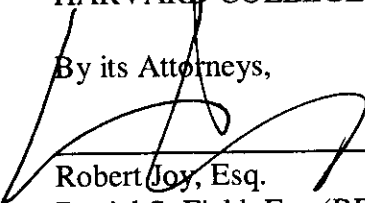
Counsel for Defendant, Harvard, has conferred with Plaintiff's counsel who has assented to this Motion.

WHEREFORE, for the foregoing reasons, Defendants respectfully submit that good cause exists and asks the Court to grant their Motion to Extend Time to File a Responsive Pleading to and including April 14, 2005.

Respectfully Submitted,

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

By its Attorneys,



Robert Joy, Esq.
Daniel S. Field, Esq. (BBO# 560096)
MORGAN, BROWN, & JOY, LLP
200 State Street
Boston, MA 02109-2605
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Date: February 18, 2005

Certificate of Service

I hereby certify that a copy of the foregoing Defendant, President and Fellows of Harvard College's Motion to Extend Time to File a Responsive Pleading was served upon Paul H. Merry, Esq., 24 School Street, Boston, MA 02108 and Gina Wolcott-Torres, Esq., United States Attorney's Office, U.S. Courthouse, Suite 9200, 1 Courthouse Way, Boston, MA 02210 by first class mail, postage prepaid this 18th day of February 2005.



Daniel S. Field